

SENATE BILL REPORT

SB 5381

As Reported by Senate Committee On:
Transportation, February 05, 2009

Title: An act relating to issuing cease and desist orders and civil penalties for violations committed by unlicensed persons engaging in scrap processing or hulk hauling activities.

Brief Description: Authorizing the issuance of cease and desist orders and civil penalties for violations committed by unlicensed persons engaging in scrap processing or hulk hauling activities.

Sponsors: Senators Jarrett, Haugen, King, Marr, Shin, Tom and Carrell.

Brief History:

Committee Activity: Transportation: 2/03/09, 2/05/09 [DPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5381 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Jarrett, Kastama, Kauffman, Kilmer, King, Ranker and Sheldon.

Staff: Janice Baumgardt (786-7319)

Background: A license from the Department of Licensing (DOL) is required in order to do business as a scrap processor or hulk hauler in the state of Washington and licensees are subject to regulation by DOL. Any hulk hauler or scrap processor who engages in the business without holding a current license issued by DOL is guilty of a misdemeanor.

Summary of Bill (Recommended Substitute): DOL is authorized to order those in the act of scrap processing or hulk hauling without a valid license to cease and desist. DOL must provide an opportunity for a hearing. The cease and desist is in effect until ten days after a hearing and is permanent if a hearing is not requested within 15 days of receiving the order. Each violation is subject to a fine not to exceed \$1,000.

Registered tow truck operators who are lawfully engaged in the normal course of their business are not affected.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): The bill does not apply to registered tow truck operators who are lawfully engaged in the normal course of their business.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill is really a technical fix because the law can't be enforced without this bill. Compliance with the law should be a competitive edge.

OTHER: The law should be changed so that registered tow truck operators qualify as hulk haulers.

Persons Testifying: PRO: Hal Covey, AROW; Gary Smith, Independent Business Association.

OTHER: Stu Halson, Towing and Recovery Association of Washington.